

## TARS RESEARCH EVIDENCE URGED

### Further Arguments on Admission to Be Heard

An effort was made Thursday in federal court to have admitted into evidence an unpublished report of a tobacco company's research dealing with the effects of tobacco tars on experimental animals.

The report was offered by H. Alva Brumfield and Melvin M. Belli, attorneys for the plaintiff in a case in which it is alleged that there is a causal relationship between cigarette smoking and lung cancer and that the cancer from which the plaintiff's husband died was caused by his smoking.

District Judge Herbert W. Christenberry reserved a ruling on the offer until after he hears further arguments from opposing counsel at 10 a. m. Friday.

When Brumfield and Belli sought to have the report included in the evidence, they described it as a report of the Liggett and Myers Tobacco Company, one of the defendants in the case. They said it was based on a study made by a private testing firm which the plaintiff's attorneys contend confirmed research of one of their witnesses who claimed that the painting of tobacco tars on mice have produced cancers.

#### OBJECTIONS VOICED

The plaintiff's attorneys have placed in evidence a lengthy deposition made prior to the trial by Dr. Ernest L. Wynder of the New York Memorial Cancer hospital and the Sloan-Kettering Institute in which he describes experiments with tobacco tars on animals which produced cancers.

Brumfield and Belli told the court that Liggett and Myers had the testing firm duplicate the experiments referred to by Dr. Wynder in an attempt to refute them, but instead, the research by the private testing firm confirmed Dr. Wynder's work.

Strenuous objections to the admission of the report were voiced by attorneys for both Liggett and Myers and the R. J. Reynolds Tobacco Company, the other defendant in the suit.

They contended that the report was never made public and that they have never had chance to study its contents.

Brumfield and Belli told the court that defense attorneys refused to make the report available to them until ordered to do so by the court.

#### FTO RULING BARRED

Judge Christenberry refused to allow the introduction by the

attorneys for the plaintiff of a ruling of the federal trade commission regarding cigarette company advertising, certain statements made by the surgeon general of the United States on the subject of smoking and lung cancer, and a congressional report on the subject.

As it appeared that the plaintiff's attorneys were nearing the end of their presentation, when court was recessed Thursday Judge Christenberry instructed Brumfield and Belli to inform the court and opposing counsel Friday morning as to what their plans for the day are.

Much of the Thursday session of court was taken up with a continuation of the reading of Dr. Wynder's deposition.

On cross-examination, Dr. Wynder was asked by Frederik Haas, a defense attorney, about the clinical evidence concerning the alleged relationship between cigarette smoking and lung cancer.

#### 'CLINICAL IMPRESSION'

Dr. Wynder's answer was: "The clinical impression was this: That when you ask a lung cancer patient a clinical history which is part of the overall clinical impression, you find that the vast majority of lung cancer patient will state that they have smoked at least a pack of cigarettes a day for many, many years."

"The clinical impression is that if you have a diagnostic problem where you think, on the basis of an X-ray, that it may or may not be lung cancer, and the patient is a non-smoker, that most of the time this patient turns out to have a disease other than lung cancer."

Dr. Wynder stated in the deposition that at one time he wrote in a scientific article that "benzpyrene, which we all know is a carcinogenic agent, in cigarette paper or in cigarette smoke is insufficient to be carcinogenic."

He explained this by saying that he did not consider it to be enough by itself to account for cancer in animals and that with the finding of new compounds in cigarettes like phenolics and acids, when added to the benzpyrene, do produce cancer in mice.

#### DIAGNOSING CANCER

The doctor would not agree that physicians are better trained today to diagnose cancer than they were 10 years ago, but he said "we are better trained than we were 20 or 30 years ago."

The suit, which is in its second trial week, was brought against the tobacco companies by Mrs. Victoria St. Pierre Lartigue, formerly of Franklin, seeking damages of \$150,000 for the death of her husband from lung cancer on July 13, 1955.

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#### VIEW ON HEART ILLS

The American Heart Association has changed its stand on whether smoking contributes to heart diseases from "not enough evidence" to "maybe." Statistics showing that coronary heart disease death rates are 50 per cent higher among heavy smokers than among nonsmokers are not conclusive, according to AHA, but "strongly suggest" that there is some relationship.